

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re Application of
OLEGS FILS,

Petitioner.
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Misc. Case No:

**EX PARTE APPLICATION FOR
THE ISSUANCE OF A SUBPOENA
DUCES TECUM PURSUANT TO
28 U.S.C. § 1782 TO ZIP
AVIATION, LLC**

**DECLARATION OF OLEGS FILS IN SUPPORT OF MEMORANDUM OF LAW IN
SUPPORT OF EX PARTE APPLICATION FOR THE ISSUANCE OF A SUBPOENA
DUCES TECUM PURSUANT TO 28 U.S.C. § 1782 TO ZIP AVIATION, LLC**

1. “My name is Olegs Fils. I am a citizen of the country of Latvia, and I currently reside in Riga, Latvia. I am over the age of twenty-one years old, I have never been convicted of a crime involving moral turpitude, and I am competent to make the statements contained herein. I declare under penalty of perjury that the foregoing is true and correct and within my personal knowledge.

2. I am the claimant in proceedings currently before a court in Latvia (Case No.C30657918) (the “Latvian Proceedings”) against my former wife, Ms. Santa Bernahl (previously – Ms. Zamuele) (“Ms. Bernahl”). In this capacity, I have personal knowledge regarding the facts contained in this affidavit.



3. Ms. Bernahl and I were married from October 1, 2016 until March 29, 2018, when our divorce was finalized. Ms. Bernahl asked me for a divorce in early 2018. During our marriage, I gifted to Ms. Bernahl numerous valuable belongings and funds valued at several million *Euros*, including, but not limited to: a Harry Winston engagement ring (valued at 199 600,00 EUR); a Tiffany & Co jewelry set consisting of earrings and a necklace (valued at 18 000,00 EUR); Harry Winston Chandelier Cluster earrings (valued at 88 400,00 EUR); a Rolex watch (valued at 9 600,00 EUR); a Porsche Macan (valued 67 760,00 EUR); a Porsche Turbo (valued at 133.100,00 EUR); an IWC Da Vinci Automatic Moon Phase 36 alligator watch (valued at 15 400,00 EUR); and 3 600.000,00 EUR in cash.

4. After Ms. Bernahl and I divorced in March 2018 upon Ms. Bernahl's initiative, I discovered that Ms. Bernahl had been in an extra-marital relationship with Mr. David Bernahl ("Mr. Bernahl"). I discovered this fact through information provided by acquaintances, which was confirmed, *inter alia*, by posts from Mr. Bernahl's social media account, in which Mr. and Ms. Bernahl are seen exchanging loving words with each other and are seen embracing and kissing while posing for pictures in 2017, during the time Ms. Bernahl and I were still married and before the time Ms. Bernahl instituted divorce proceedings. As an example, in one Instagram post on Mr. Bernahl's account, Mr. and Ms. Bernahl are pictured in front of a ZIP Aviation helicopter at the Downtown Manhattan Heliport in New York City. *See Exhibit A*, photo of Mr. and Mrs. Bernahl in or about August 2017. I believe this picture was taken in August 2017, based in part on knowledge of the timing of her trips to New York, the construction progress of the New York skyscrapers in the background of the picture, as well as Ms. Bernahl's credit card records.

5. During this time, Ms. Bernahl and I were still married. Yet Ms. Bernahl's credit card statement reflects charges by "ZIP AVIATION MANH" on August 12 and 13, 2017, in the



amount of \$3,765.00 and \$3,880.00, respectively. *See* Exhibit B, Credit Card Statement of Ms. Bernahl showing charges of Zip Aviation, LLC. In most part Ms. Bernahl paid her credit card bill with funds I gifted to her during our marriage.

6. I learned that shortly after our divorce in March 2018, Mr. and Mrs. Bernahl married in July 2018—just months after I learned of their affair. They reside together in California.

7. As a result of Ms. Bernahl's infidelity, and gross ingratitude towards me through other actions and attitudes of Ms. Bernahl in connection with these circumstances, I have instituted claims in the Latvian Proceedings seeking to cancel various gift agreements I entered into with Ms. Bernahl and to recover gifted items and funds valued at €2.4 million, on the basis of gross ingratitude and for her fault in the dissolution of the marriage. Ms. Bernahl has either disposed of or transferred to foreign accounts and/or family members most of her assets, including a portion of the gifted items and funds. To ensure that recovery of assets will be possible in case the court rules in favor of cancelling the gift agreements that Ms. Bernahl entered into, I have also instituted claims in the Latvian Proceedings seeking to declare some of these transfers from Ms. Bernahl to her family members as fraudulent and void.

8. The documents obtained from Zip Aviation will be used in the Latvian Proceedings to demonstrate that Mr. and Ms. Bernahl were in each other's company and involved in an extra-marital affair during the time Ms. Bernahl and I were married. The documents obtained from Zip Aviation will show that, during this time that Mr. and Ms. Bernahl were on vacation, they were passengers aboard a helicopter chartered through Zip Aviation, and that Ms. Bernahl paid for this extravagant excursion with her lover with funds I gifted her. In short, the documents obtained from Zip Aviation will be used in the Latvian Proceedings to ultimately help demonstrate that Ms. Bernahl was unfaithful to me in at least August 2017, while we were still married, and that Ms.



Bernahl covered her and her lover's luxury expenses with funds I gifted to her, thus supporting my claim of gross ingratitude, and justifying the cancellation of the gift agreements that are at the heart of the Latvian Proceedings.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 28, 2020

A handwritten signature in blue ink, appearing to be "Olegs Fils", written over a horizontal line.

Olegs Fils"

A handwritten signature in blue ink, appearing to be "Olegs Fils", written without a line underneath.